

S872942

517-05-2545

HOLD FOR
TEXAS AMERICAN TITLE COMPANY

FOURTH AMENDMENT OF
DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS AND EASEMENTS

FOR

02/23/98 200585732 S872942

\$13.00



NORTH STAR ESTATES

A RESIDENTIAL SUBDIVISION IN HARRIS COUNTY, TEXAS

STATE OF TEXAS

§

KNOW ALL BY THESE PRESENTS THAT:

COUNTY OF HARRIS

§

§

Pursuant to Sections 9.05 and 9.10 of that certain instrument entitled Declaration of Covenants, Conditions, Restrictions and Easements for North Star Estates (the "Declaration") filed on September 5, 1995 under Clerk's File No. R561531, and recorded under Clerk's Film Code No. 505-22-0947, *et seq.*, Official Public Records of Real Property of Harris County, Texas, **NORWOOD HOMES, INC.**, a Texas corporation (hereinafter referred to as "Declarant") hereby amends the Declaration as follows:

I.

Definitions

In addition to the definitions contained herein, all definitions set forth in the Declaration (including Article II of the Declaration) are incorporated by reference herein.

II.

Amendments

A. Section 4.01.4 entitled "Related Quarters" as set forth in that certain instrument entitled "First Amendment of Declaration of Covenants, Conditions, Restrictions and Easements for North Star Estates" (the "First Amendment"), filed under Clerk's File No. S215647, and recorded under Clerk's Film Code No. 510-66-3760, *et seq.*, Official Public Records of Real Property of Harris County, Texas, is hereby deleted in its entirety and the following substituted in place thereof:

4.01.4 Related Quarters. Notwithstanding any other provisions of this Section or the Declaration, one Related Quarters may be located upon each Lot. A "Related Quarters" is a living area segregated from the main residence which may be constructed above or attached to a garage, attached to the main residence or constructed as a stand alone building. Related Quarters may be occupied only by members or relatives of the single family residing on the Lot upon which

Amendment 2/23/98

the Related Quarters is located, or by temporary guests who do not occupy the Related Quarters for more than one hundred twenty days in any calendar year unless longer periods of occupancy are approved by the ACC either in individual cases or by adoption of Architectural Guidelines. A garage with Related Quarters constructed above same may contain a stairway in the garage to the Related Quarters provided the car parking capacity of the garage as originally constructed is maintained. Notwithstanding any other provisions of the Declaration or this amendment, Related Quarters located upon any corner Lot may incorporate a second garage, either attached or detached, for not more than two cars, provided the driveway entry to the Related Quarters may not be located upon the same street as the driveway entry for the garage for the main residence.

B. Section 7.06.3 entitled "Priority of Lien" as set forth in the Declaration is hereby amended by addition thereto of subsections (b-1) and (b-2) to provide for additional subordination of the Association's continuing lien as follows:

(b-1) an extension of credit (commonly known as a home equity loan) made in accordance with and pursuant to Section 50(a)(6), Article XVI, of the Texas Constitution, as amended; and

(b-2) a reverse mortgage made in accordance with and pursuant to Section 50(a)(7), Article XVI, of the Texas Constitution, as amended; and

III.

Integration and Ratification

The foregoing amendments to the Declaration are deemed to be a part of and are to be interpreted in accordance with the Declaration, as amended. All provisions of the Declaration not so amended are hereby ratified and confirmed in each and every particular, and will continue in full force and effect pursuant to the terms of the Declaration, as amended.

IN WITNESS WHEREOF, Declarant has executed this Third Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for North Star Estates on this 20th day of February, 1998.

NORWOOD HOMES, INC.,
a Texas corporation

By: Jill Benbow

~~JOHN E. BILY, President~~

Jill Benbow, Vice President

517-05-2547

DECLARANT'S ACKNOWLEDGMENT

STATE OF TEXAS

§

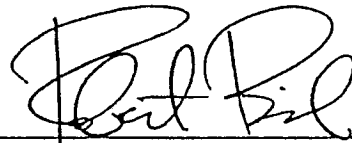
COUNTY OF HARRIS

§

JILL BENSON

BEFORE ME, the undersigned authority, on this day personally appeared ~~JOHN E. BILLY~~, Vice-President of NORWOOD HOMES, INC., a Texas corporation, and acknowledged to me that he executed this instrument on behalf of said corporation.

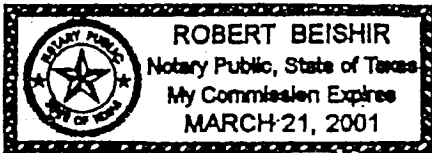
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 20th day of FEBRUARY, 1998.



NOTARY PUBLIC in and for the STATE OF TEXAS

Name: ROBERT BEISHIR

My Commission Expires: MARCH 21, 2001



lwblba\norwood\res4amend-nse
(980219) NORWOOD/NORTH STAR ESTATES

ANY PROVISION HEREIN WHICH RESTRICTS THE COLOR, TITLE, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS UNLAWFUL AND UNENFORCEABLE UNDER FEDERAL LAW
THE STATE OF TEXAS }
COUNTY OF HARRIS }

I hereby certify that this instrument was FILED in File Number Sequence in the date and at the time stamped hereon by me; and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on

FEB 23 1998



COUNTY CLERK
HARRIS COUNTY TEXAS

Beauchamp R. Kaufman
COUNTY CLERK
HARRIS COUNTY, TEXAS

98 FEB 23 PM 1:57

FILED

RECORDER'S MEMORANDUM

ALL BLACKOUTS, ADDITIONS AND CHANGES WERE PRESENT AT THE TIME THE INSTRUMENT WAS FILED AND RECORDED.

T269622

HOLD FOR
TEXAS AMERICAN TITLE COMPANY

521-10-1785

FIFTH AMENDMENT OF
DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS AND EASEMENTS

FOR 09/16/98 100857250 T269622 \$11.00

NORTH STAR ESTATES

lee

A RESIDENTIAL SUBDIVISION IN HARRIS COUNTY, TEXAS

STATE OF TEXAS §
COUNTY OF HARRIS § KNOW ALL BY THESE PRESENTS THAT:
§

Pursuant to Section 9.10 of that certain instrument entitled Declaration of Covenants, Conditions, Restrictions and Easements for North Star Estates (the "Declaration") filed on September 5, 1995 under Clerk's File No. R561531, and recorded under Clerk's Film Code No. 505-22-0947, *et seq.*, Official Public Records of Real Property of Harris County, Texas, **NORWOOD HOMES, INC.**, a Texas corporation (hereinafter referred to as "Declarant") hereby amends the Declaration as follows:

I.
Definitions

In addition to the definitions contained herein, all definitions set forth in the Declaration (including Article II of the Declaration) are incorporated by reference herein.

II.
Amendments

Section 4.06.2 of the Declaration is hereby deleted in its entirety and the following substituted in place thereof:

4.06.2 Lot Combinations. Any Owner of one or more adjoining Lots (or portions thereof) may, with the prior written approval of the ACC, consolidate same or portions thereof in to one building site for the purpose of constructing a single family residence and appurtenant improvements on the resulting composite site. Any approval by the ACC is conditioned upon (whether or not stated therein) obtaining the abandonment or release of all affected utility and other easements applicable to the combined Lots prior to consolidation, and compliance with replatting requirements of applicable statutes and applicable ordinances of the City of Tomball. Upon consolidation as aforesaid each resulting composite site will be regarded as one Lot for all purposes, including construction of one single family residence and appurtenant improvements thereon, payment of assessment and voting rights.

475-*lee*

521-10-1786

III.
Integration and Ratification

The foregoing amendments to the Declaration are deemed to be a part of and are to be interpreted in accordance with the Declaration, as amended. All provisions of the Declaration not so amended are hereby ratified and confirmed in each and every particular, and will continue in full force and effect pursuant to the terms of the Declaration, as amended.

IN WITNESS WHEREOF, Declarant has executed this Fifth Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for North Star Estates on this 11TH day of SEPTEMBER, 1998.

NORWOOD HOMES, INC.,
a Texas corporation

By: *John E. Bily*
JOHN E. BILY, President
Jill Benbow, Vice President

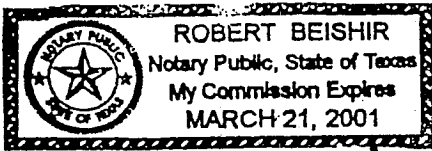
FILED
98 SEP 16 PM 1:58
HARRIS COUNTY TEXAS

DECLARANT'S ACKNOWLEDGMENT

STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared JOHN E. BILY, President of NORWOOD HOMES, INC., a Texas corporation, and acknowledged to me that he executed this instrument on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 11TH day of SEPTEMBER, 1998.



Robert Beishir
NOTARY PUBLIC in and for the
STATE OF TEXAS
Name: ROBERT BEISHIR
My Commission Expires: MARCH 21, 2001

T709856

Hold Texas American Title

~~T 1044 1011 1110~~

05/07/99 101050089 T709856

\$13.00

ARTICLES OF ANNEXATION

525-49-2866

AND

SIXTH AMENDMENT OF
DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS AND EASEMENTS

Amend

FOR

NORTH STAR ESTATES

A RESIDENTIAL SUBDIVISION IN HARRIS COUNTY, TEXAS

STATE OF TEXAS

§

KNOW ALL BY THESE PRESENTS THAT:

§

COUNTY OF HARRIS

§

Pursuant to Section 9.10 of that certain instrument entitled Declaration of Covenants, Conditions, Restrictions and Easements for North Star Estates (the "Declaration") filed on September 5, 1995 under Clerk's File No. R561531, and recorded under Clerk's Film Code No. 505-22-0947, *et seq.*, Official Public Records of Real Property of Harris County, Texas, **NORWOOD HOMES, INC.**, a Texas corporation (hereinafter referred to as "Declarant") hereby amends the Declaration as follows:

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I.

Definitions

In addition to the definitions contained herein, all definitions set forth in the Declaration (including Article II of the Declaration) are incorporated by reference herein.

II.

Annexation of North Star Estates, Sections Three and Four

Handwritten signature

The following described real property is hereby added and annexed to and made a part of the "Subdivision" as that term is defined in the Declaration, to wit:

NORTH STAR ESTATES, SECTION THREE, a subdivision in Harris County, Texas according to the map or plat thereof filed under Clerk's File No. T144122, Official Public Records of Real Property of Harris County, Texas, and recorded under Clerk's Film Code No. 404116, Map Records of Harris County, Texas.

NORTH STAR ESTATES, SECTION FOUR, a subdivision in Harris County, Texas according to the map or plat thereof filed under Clerk's File No. T621982, Official Public Records of Real Property of Harris County, Texas, and recorded under Clerk's Film Code No. 417044, Map Records of Harris County, Texas.

475-SAW

III.

Amendment Applicable Only to
North Star Estates, Sections Three and Four

A. Section 4.03 of the Declaration in so far and only in so far as same applies to North Star Estates, Sections Three and Four, is hereby amended by adding Sections 4.03B and 4.03C to read as follows:

SECTION 4.03B Dwelling Size - North Star Estates, Section Three. The ground floor of the main residential structure located upon any Lot within North Star Estates, Section Three, exclusive of open porches and garage, must not be less than 1,200 square feet for a one-story dwelling. The ground floor area of the main residential structure located upon any Lot within North Star Estates, Section Three, of a one and one-half, a two or a two and one-half story dwelling, exclusive of open porches and garages, must not be less than 900 square feet, and total square footage of any such dwelling must not be less than 1,800 square feet.

SECTION 4.03C Dwelling Size - North Star Estates, Section Four. The ground floor of the main residential structure located upon any Lot within North Star Estates, Section Four, exclusive of open porches and garage, must not be less than 1,800 square feet for a one-story dwelling. The ground floor area of the main residential structure located upon any Lot within North Star Estates, Section Four, of a one and one-half, a two or a two and one-half story dwelling, exclusive of open porches and garages, must not be less than 1,000 square feet, and total square footage of any such dwelling must not be less than 2,200 square feet.

B. Section 9.04 of the Declaration is hereby amended by the addition thereto of Section 9.04.3 as follows:

9.04.3 Use and Maintenance of Community Properties. So long as Declarant owns any Lot within the Subdivision Declarant, and any successor or assign as so designated by Declarant as provided in Section 2.06.2 of the Declaration (i) shall have a non-exclusive easement appurtenant upon, over, under and across any and all Community Properties, and a non-exclusive right to use in any manner any part or all of the Community Properties as is reasonably necessary in Declarant's sole opinion for the development of the Subdivision and the development and sale of Lots therein, and (ii) may construct, maintain, expand, improve and repair any Community Properties, including without limitation any such matters regarding any retention ponds or lakes and any other thing or device relating to drainage within or which may otherwise affect the Subdivision, or any Lot therein, or any properties adjacent thereto or in the vicinity thereof. THE FOREGOING SHALL NOT BE CONSTRUED AS IN ANY MANNER CONSTITUTING ANY REPRESENTATION, WARRANTY OR IMPLICATION WHATSOEVER THAT DECLARANT (A SUCCESSOR OR ASSIGN AS AFORESAID) WILL UNDERTAKE ANY SUCH USAGE OR ANY SUCH CONSTRUCTION, MAINTENANCE, EXPANSION, IMPROVEMENT OR REPAIR, OR THAT IF AT ANY TIME OR FROM TIME

